

Assembly Bill No. 155

Passed the Assembly August 28, 2014

Chief Clerk of the Assembly

Passed the Senate August 18, 2014

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2014, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 11.1 to the Monterey County Water Resources Agency Act (Chapter 1159 of the Statutes of 1990), relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 155, Alejo. Monterey County Water Resources Agency: design-build.

(1) Existing law, the Monterey County Water Resources Agency Act, establishes the Monterey County Water Resources Agency as a flood control and water agency within the County of Monterey.

This bill would authorize the agency to award a design-build contract for the combined design and construction of a project to connect Lake San Antonio, located in the County of Monterey, and Lake Nacimiento, located in the County of San Luis Obispo, with an underground tunnel or pipeline for the purpose of maximizing water storage, supply, and groundwater recharge. Certain alternative provisions of the bill that would authorize the agency to use a different design-build procedure, as specified, would become operative only if SB 785 is enacted and becomes effective on or before January 1, 2015.

(2) The bill would declare that, due to the unique circumstances of the agency, a general statute within the meaning of specified provisions of the California Constitution cannot be made applicable and a special statute is necessary.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) The Salinas Valley contains some of the most fertile land in, and is a leading provider of produce to, the world, and due to the economic impact of its production it contributes to the general economic well-being of the state.

(2) As of 2014, the state, including the County of Monterey, has experienced extraordinary drought conditions, which threaten,

in part, the economic viability and agricultural production of the valley.

(3) In light of these extraordinary drought conditions, the Governor, on January 17, 2014, declared a state of emergency.

(4) The Monterey County Water Resources Agency (hereafter the agency), established pursuant to Chapter 1159 of the Statutes of 1990, owns and controls two reservoirs: Lake San Antonio, located in the County of Monterey, and Lake Nacimiento, located in the County of San Luis Obispo.

(5) These lakes provide water storage for, and flood control protection to, the Salinas River Groundwater Basin downstream of the lakes, and also improves water supply and groundwater recharge in the basin, which contribute to the economic viability and agricultural production of the valley.

(6) The agency has previously undertaken projects to improve water storage and groundwater recharge within the basin, including the Salinas Valley Water Project, which, in part, implemented modifications to the spillway in the dam at Lake Nacimiento, and in the operation of the dams and spillways at the lakes.

(7) Despite these projects, the current drought conditions will have long-term significant impacts on the agricultural production in the valley, and additional appropriate projects are necessary to ensure the continued economic viability and agricultural production in the valley, especially in light of future conditions as may be affected by global climate change.

(8) The watershed of Lake Nacimiento generally experiences more runoff from storms and thus provides more water for storage than does the watershed of Lake San Antonio and, as a result, water otherwise available for storage at Lake Nacimiento is lost due to volumes exceeding its storage capacity.

(9) The agency has proposed a project to connect Lake Nacimiento and Lake San Antonio for the enhancement and benefit of Zone 2c of the agency by an underground tunnel or pipeline that would be constructed within a right-of-way or other easement acquired by the agency for that purpose.

(10) The project will maximize overall water storage at the lakes by allowing the conveyance of water to Lake San Antonio for storage that may otherwise overflow from Lake Nacimiento, thus improving the benefits provided by the lakes and the Salinas Valley Water Project to the basin and the valley, mitigating the impact of

the drought, and improving the economic viability of the valley and its agricultural production, all benefitting the state.

(11) Utilizing an alternative project delivery system, consisting of a design-build contract, will provide benefits by shifting the liability and risk for cost containment and project completion to the design-build entity, and will provide for the more timely and efficient project delivery in light of the current drought conditions and the Governor's emergency declaration.

(12) The agency has requested the authority to utilize the alternative project delivery system in conjunction with a project labor agreement that meets the requirements of Chapter 2.8 (commencing with Section 2500) of Part 1 of Division 2 of the Public Contract Code so as to complete the project in a more timely and efficient manner without any disruptions.

(b) It is the intent of the Legislature that the design-build process set forth in Section 2 or 2.5 of this act may be used by the agency solely for the purpose of the project, and not for other purposes.

SEC. 2. Section 11.1 is added to the Monterey County Water Resources Agency Act (Chapter 1159 of the Statutes of 1990), to read:

Sec. 11.1. (a) The following definitions apply to this section:

(1) "Lakes" means, collectively, Lake San Antonio, located in the County of Monterey, and Lake Nacimiento, located in the County of San Luis Obispo, both owned and operated by the Monterey County Water Resources Agency.

(2) "Project" means a project to connect the lakes with an underground tunnel or pipeline for the purpose of maximizing water storage, supply, and groundwater recharge at the lakes, and within the Salinas River Groundwater Basin and the Salinas Valley proper.

(3) "Project labor agreement" means an agreement that meets the requirements of Chapter 2.8 (commencing with Section 2500) of Part 1 of Division 2 of the Public Contract Code.

(b) Notwithstanding any other law, upon approval by the board of directors of the Monterey County Water Resources Agency, the agency may use the design-build process described in Section 20133 of the Public Contract Code to assign contracts for the design and construction of the project.

(c) For purposes of this section, any reference to “county” in Section 20133 of the Public Contract Code shall mean the Monterey County Water Resources Agency and its board.

(d) The agency shall ensure that the design-build entity selected for the project enters into a project labor agreement that will bind all of the contractors performing work on the project.

(e) The agency may utilize a design-build process solely to award contracts for the project and for no other purpose.

SEC. 2.5. Section 11.1 is added to the Monterey County Water Resources Agency Act (Chapter 1159 of the Statutes of 1990), to read:

Sec. 11.1. (a) The following definitions apply to this section:

(1) “Lakes” means, collectively, Lake San Antonio, located in the County of Monterey, and Lake Nacimiento, located in the County of San Luis Obispo, both owned and operated by the Monterey County Water Resources Agency.

(2) “Project” means a project to connect the lakes with an underground tunnel or pipeline for the purpose of maximizing water storage, supply, and groundwater recharge at the lakes, and within the Salinas River Groundwater Basin and the Salinas Valley proper.

(3) “Project labor agreement” means an agreement that meets the requirements of Chapter 2.8 (commencing with Section 2500) of Part 1 of Division 2 of the Public Contract Code.

(b) Notwithstanding any other law, upon approval by the board, the agency may use the design-build process described in Chapter 4 (commencing with Section 22160) of Part 3 of Division 2 of the Public Contract Code to assign contracts for the design and construction of the project.

(c) For purposes of this section, all references in Chapter 4 (commencing with Section 22160) of Part 3 of Division 2 of the Public Contract Code to “local agency” shall mean the Monterey County Water Resources Agency and its board.

(d) The agency shall ensure that the design-build entity selected for the project enters into a project labor agreement that will bind all of the contractors performing work on the project.

(e) The agency may utilize a design-build process solely to award contracts for the project and for no other purpose.

SEC. 3. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable

within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances of the Monterey County Water Resources Agency.

SEC. 4. Section 2.5 of this act shall become operative only if Senate Bill 785 is also enacted and becomes effective on or before January 1, 2015, in which case Section 2 of this act shall not become operative.

Approved _____, 2014

Governor